

TIMELINE OF ISSUES RELATED TO FINANCIAL DOCUMENTS

Date	Description
Nov. 2019	<p>Plaintiffs issue RFP Nos. 14–17 in Nov. 2019, seeking basic financial information, including the following RFP No. 16:</p> <p><i>Documents sufficient to show the monetary or retail value of Users’ Content and Information to Facebook, including all monthly, quarterly, and annual financial reporting relating to same, and including but not limited to the calculation of average revenue per user, any changes to such monetary or retail value relating to changes to Facebook’s terms of service, and any financial reporting of Content and Information as an asset.</i></p>
Jan. – Apr. 2020	<p>Parties meet and confer extensively regarding RFP Nos. 14–17, Facebook generally claims no responsive documents exist.</p> <p>Plaintiffs specify RFPs at Facebook’s request to 5 categories:</p> <p>(1) <i>Marketing and business plans;</i></p> <p>(2) <i>Documents and materials Facebook prepared for venture capitalists, investors, or any other third party re quantification of Facebook data and/or user content and information;</i></p> <p>(3) <i>Documents discussing or reflecting Facebook’s valuation of data relating to users, including those promising access to user data, content and information (this would encompass documents supporting Facebook’s positions regarding Rankwave, for example);</i></p> <p>(4) <i>Documents relating to Facebook’s attempt at or actual monetization of user data or content and information; and</i></p> <p>(5) <i>Documents supporting Facebook’s public reporting of revenues derived from users, including but not limited to average revenue per user, user engagement, active users, and what information relating to users Facebook made available to third parties to extract those revenues.</i></p> <p>Facebook continues to claim these documents do not exist.</p>
Dec. 9, 2020	<p>Plaintiffs raise issues with Judge Corley at discovery conferences in the fall and winter of 2020.</p> <p>Facebook’s counsel represents to Judge Corley in December 2020 that “<i>we have investigated this extensively</i>” and “<i>to the best of our knowledge there wouldn’t be responsive materials.</i>” Joint Decl., Ex. 30 (Dec. 9, 2020 Tr. at 9:6–9 (emphasis added)).</p>

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Dec. 11, 2020	<p>Judge Corley orders an initial 30(b)(6) deposition to permit Plaintiffs to explore how Facebook generates revenue. Judge Corley makes clear this is an initial and investigatory deposition to assist the parties in identifying relevant discovery in light of Facebook's position that no documents exist:</p> <p><i>Facebook shall also provide a 30(b)(6) witness on how it monetizes—directly or indirectly—and thus values user data ... The 30(b)(6) topic[] shall be narrowly tailored to assist Plaintiffs with identifying relevant discovery . . . The deposition will be limited to the time period of 2012 through 2017 to reduce burden and given its investigatory purpose.</i></p> <p>Discovery Order No. 11, Dkt. 588 at 1–2.</p>
Feb. 24, 2021	<p>Plaintiffs conduct a 30(b)(6) deposition of Facebook designee Amy Lee as ordered by Judge Corley. ECF No. 1001-8 (full transcript).</p> <p>On the eve of the deposition, Facebook provides the very first document in response to Plaintiffs' RFPs showing revenue by channel from 2012–2017. Following the deposition, Plaintiffs renew their request for the same categories of information as requested before; Facebook continues to claim no such documents exist.</p> <p>Facebook even refuses to provide the same document it provided to Plaintiffs on the eve of the 30(b)(6) deposition showing revenue by channel beyond 2012–2017.</p>
Feb. 2022	<p>Plaintiffs raised the issue once again before Special Master Garrie. <i>Following</i> this Court's February 2022 hearing threatening sanctions, Facebook <i>finally</i> agreed to search for and produce 7 categories of documents; many of these categories overlapped with Plaintiffs' original request, including:</p> <ul style="list-style-type: none"> (3) Marketing and business plans (including any internal financial plans, presentations, or onboarding materials) related to the valuation/quantification/monetization of Facebook user data; (5) Documents related to any payments made to third parties for access or use of user data (<i>e.g.</i>, Onavo); (6) Financial impact of third parties accessing or using FB user content and information in ways that violate FB platform policies (including, but not limited to, <i>e.g.</i>, documents supporting Facebook's positions in Rankwave lawsuit in which it valued the amount of data Rankwave was wrongfully obtaining); (7) Documents supporting Facebook's public reporting of revenues and FB's, including but not limited to average revenue per user, user engagement, active users, and the information relating to users Facebook made available to third parties to generate those revenues.

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June/July 2022	<p>Facebook finally produces relevant and responsive documents in the summer of 2022. They produce approximately 6,500 documents.</p> <p>Documents include <i>inter alia</i>, basic financial information Plaintiffs sought all along, including plainly relevant metrics (quarterly, monthly, weekly) about advertising revenue and other key metrics it tracks.</p> <p><i>Documents related to ARPU were always asked since day 1, including in RFP No. 16 itself, in the 5 categories Plaintiffs specified in response to Facebook's request for clarity, and in the 7 categories the parties agreed to earlier this year.</i></p> <p><i>Indeed, Facebook has admitted in public filings and virtually everywhere but in this case that a key metric is ARPU – AVERAGE REVENUE PER USER.</i></p> <p>Production also includes revenue Facebook received from third party app developers and apps that Facebook whitelisted.</p>
Aug. 18, 2022	Plaintiffs finally take a 30(b)(6) deposition on monetization and Facebook revenue.